

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Marcus Walker #374618,

Plaintiff,

v.

Greiner, et. al.,

Defendants.

Case No.: 2:21-cv-12874

District Judge: Denise Page Hood

Magistrate Judge: Patricia T. Morris

Marcus Walker, #374618

In pro per

Gus Harrison Correctional Facility

2727 East Beecher St.

Adrian, MI 49221

Ian T. Cross (P83367)

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MOTION TO SUBSTITUTE COUNSEL FOR DR. MARY GREINER, D.O.

NOW COMES Dr. Mary Greiner, D.O., through her counsel, Ian T. Cross (P83367), and for her Motion to Substitute Counsel, states as follows:

1. On April 21, 2023, Defendant Greiner terminated Chapman Law Group as her counsel in this matter. Defendant Greiner requested that Chapman Law Group file renewed motions to withdraw from the cases in which they represent her.
2. On April 24, 2023, Defendant Greiner's Chapman Law Group counsel asked undersigned counsel to file motions to substitute in the active cases in which Dr. Greiner is a Defendant.
3. E.D. Mich. LR 83.25 permits withdrawal or substitution of attorneys "only on order of the court." In this matter, good cause for permitting substitution exists because Defendant Dr. Greiner no longer wishes to be represented by Chapman Law Group.
4. "A client has an absolute right to discharge an attorney because that right is an implied term of an attorney-client contract." *Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 at *3 (E.D. Mich. 2018). Michigan's Rules of Professional Conduct require an attorney to withdraw if he is discharged by the client, unless the Court orders otherwise. MRPC 1.16(a)(3).

WHEREFORE, for the reasons set forth above, Defendant Greiner respectfully requests that this Honorable Court grant her Motion and permit substitution of Ian T. Cross as her counsel in place of her Chapman Law Group attorneys.

Dated: April 26, 2023

/s/ Ian T. Cross

Ian T. Cross (P83367)

Attorney for Defendant Mary Greiner, D.O.

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**BRIEF IN SUPPORT OF MOTION TO SUBSTITUTE COUNSEL FOR DR.
MARY GREINER, D.O.**

STATEMENT OF QUESTIONS PRESENTED:

1) Should the Court permit substitution of counsel for Defendant Greiner in this matter?

Defendant Greiner answers: **YES.**

Plaintiff has not been consulted because he is a prisoner proceeding pro-se.

CONTROLLING OR MOST APPROPRIATE AUTHORITIES:

- 1) E.D. Mich. LR 83.25
- 2) Mich. R. Prof'l Conduct 1.16(a)(3)
- 3) *Faretta v. Cal.*, 422 U.S. 806 (1975)
- 4) *Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 (E.D. Mich. 2018)

ARGUMENT

On April 21, 2023, Defendant Greiner sent an email to both undersigned counsel and her counsel at Chapman Law Group indicating that she no longer wishes for Chapman Law Group to represent her. This District's Local Rules permit withdrawal or substitution of attorneys "only on order of the court." E.D. Mich. LR 83.25.

In this matter, good cause for permitting substitution exists because the Defendant has terminated her former counsel and retained new counsel. A client has an absolute right to discharge her attorney. *See Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 at *3 (E.D. Mich. 2018). "An unwanted counsel "represents" the defendant only through a tenuous and unacceptable legal fiction." *Faretta v. Cal.*, 422 U.S. 806, 821 (1975). In addition, Dr. Greiner's former counsel has filed a motion to withdraw. (ECF No. 54). Substitution should be permitted where neither Dr. Greiner nor her former counsel want her former counsel's representation to continue.

CONCLUSION

For the reasons set forth above, Defendant Greiner respectfully requests that this Honorable Court grant her Motion, permit substitution of Ian T. Cross as her

defense counsel in place of her Chapman Law Group counsel, Jonathan C. Lanesky and Nicholas B. Pillow.

Dated: April 26, 2023

/s/ Ian T. Cross

Ian T. Cross (P83367)

Attorney for Defendant Mary Greiner, D.O.

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PROOF OF SERVICE

I hereby certify that on April 25, 2023, I mailed a copy of the foregoing Motion to *pro se* Plaintiff Marcus Walker, #374618, at the Gus Harrison Correctional Facility, 2727 East Beecher St., Adrian, MI 49221, which is Plaintiff's current address per the MDOC Offender Tracking Information System.

/s/Grace Haubert,
Legal Assistant, Margolis & Cross
